1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

623 The councillors go in a body, taking with them twenty or more girls adept at singing and dancing, hired musicians, a bull or cow, two or three mules laden with bread, and quantities of tea, sugar, and candles. The cost of the presents and the fees of the musicians are paid out of money collected in fines.

DUTIES OF THE TRIBAL COUNCIL

646 692 The task of the tribal council is to render judgment, exact fines, and destroy property in cases of adultery caught in the act, murder, and woundings; to make decisions as to tribal alliances in warfare; and to interfere with internal fights in other tribes.

Adultery caught in the act. A husband who surprises his wife in the act of adultery has 684 the traditional privilege of killing the man, removing his genitals and placing them in the mouth of his corpse, killing his wife, and ripping her from pubis to diaphragm with a knife. 837 This action is a privilege and not a duty. Many husbands are physically unable to do so; others are disinclined; still others mutilate their wives by cutting off the fleshy parts of their noses and let them go. One instance is known in Gzennaya of a man who thrust live coals into his wife's vagina and then released her. In at least half the cases, recently at any rate, no revenge is taken on the woman, her divorce and disgrace being considered ample punishment.

When the members of the tribal council hear of this event, they leave whatever they are 646 doing and go as rapidly as possible to the adulterer's house. This they burn; they impose a 684 fine of one thousand dollars or thereabouts, depending on the usage of the tribe, and on the 692 importance of the *bone*. The fine is accepted either in cash, livestock, land, or in all three. When land and livestock are taken they are sold on the spot, not by bidding but by arbitrary prices, fair to the victim, placed on each animal or portion of land. If the proceeds of the sale exceed the amount of the fine, the balance is returned to the *bone* of the adulterer. If the adulterer and the adulteress belong to different *bones* the burden of the fine is shared between the *bones*. If the adulterer has survived the vengeance of the injured man he must leave the tribe forever. Women who survive go back to their families, forcibly divorced and forbidden to marry again.

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After the cash of the fine is in hand, it is divided among the *fifths*, each receiving an 684 equal share, to be divided evenly among each *canton* composing the *fifth*. Thus the *canton* of the offenders receives back a portion of the money which some of its members have paid. It often refuses to accept this, in which case the money goes to the actual payers. *Cantons* friendly with that of the adulterer may likewise refuse to accept, and their money too is returned.

646 692 683 *Wounding.* When one man wounds another, the tribal council comes to the offender's house and exacts a fine of five hundred dollars after questioning the councillor or councillors belonging to the offending *bone*. The fine is always paid by the *bone* as a whole, whether the blood money is or not.

646 692 683 621 *Murder.* When one man murders another, whether or not in retaliation for a previous murder, the tribal council comes to his house, which it burns, providing it dares to. It cuts down the fruit trees and inflicts a fine of a thousand dollars. If the man and his *bone* refuse to pay the fine and resist the burning of the house or the cutting of the trees, the members of the tribal council attack them. This fight may last anywhere from a half hour to several months, and may turn into a war. If the *bone* which has refused has no allies, it seldom wins,

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CHAPTER X

JUDICIAL AND CLERICAL OFFICERS; LAWS GOVERNING INHERITANCE

THERE are in the Rif two classes of officials who concern themselves with judicial and clerical functions: the "clerk," or *adl* (plural *adul*[1]), and the "judge," or *kedhi*. The former is something between a town clerk and minor judge, and the latter a supreme court of appeal. Both concern themselves only with civil, never with criminal, disputes. 693 624

The clerk is a former student who specialized in the cantonal mosque in the study of law, rather than in the usual study of magic and religion: some clerks, however, indulge in magical practices on the side as an additional source of income. The clerk takes pains to keep this second profession secret, lest he be expelled from office. Most clerks spend longer than the average period at study, and attend several different mosques in the course of their preparation. [791]

There is at least one clerk in every *bone*. Any person who is qualified by his training may set up as a clerk, but must receive the consensus of local approval before he is entrusted with enough business to make this occupation profitable. A clerk must be dignified and pious. 624

The clerk is often the schoolmaster of the *bone* as well. In smaller *bones* it is usually an economic necessity for one man to fulfill these two offices, consequently the terms "schoolmaster" and "clerk" have become somewhat confused. A clerk is often called schoolmaster, but a schoolmaster who is not a clerk is never called clerk. [875]

The duties of the clerk include writing and reading letters for illiterate persons, settling controversies as to ownership of property, making out and administering wills, and drawing up documents of sale for landed property and documents of marriage and divorce. He is also called upon to slaughter animals upon ceremonial occasions. [211]

In making out a document of marriage, the clerk writes out the names of the bride and groom, and the amount paid for the bride. He gives the paper to the bride and makes a duplicate, which he keeps. His signature renders the document valid. He similarly makes out divorce papers, which he gives to the woman, who can thus prove that she is no longer under obligation to her husband. [585] [586]

When the clerk makes out the document for a land sale, he takes the old document from the seller, and gives both old and new papers to the purchaser. Each time a piece of land changes hands a new paper is made out, and the present owner has in his possession all of the extant bills of sale for that piece of land. When a piece is subdivided the heir of the owner of the original piece at the time of its subdivision keeps the papers recording transfers prior to this subdivision. 624 432

When a man wishes to sell some of the land which has been in his family since time immemorial, and for which there is no paper, he informs the clerk, who advertises for any other claim to this land, either written or oral, and finding none makes a bill of sale.

[1] The usual Arab notary.

1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

591 the brother instead of that of the father depends on whether or not the father is living, and whether or not the brother has paid for the wedding, for the bride, or for both.

587 In the case of the levirate, which has been discussed under inheritance, the newly-married widow usually remains with her children in the house of her first husband, to which the new husband comes as a visitor rather than as a regular occupant. All wives who have been married in any way other than through the levirate usually live in the same house together.

Not only is the levirate a common feature of Riffian society, but the sororate is also practiced. A man whose wife dies young is expected to marry one of her sisters in her place, and no fee is demanded for the second one. A man cannot, however, marry his wife's sister during the lifetime of the first one.

595 Polygyny in the Rif is more often the result of the function of the levirate than the wholly voluntary marriage of more than one wife. Only men of unusual wealth ordinarily marry more than one wife from choice. Women given a man of a different *bone* by means of a magical compulsion, the purpose of which is the alliance of the two *bones*, form an additional class of plural wives.

589 Such is the social economy of the Riffians that spinsters are practically non-existent.

DIVORCE

586 If a husband and his wife both desire a divorce, the clerk gives her a paper making her free to remarry and she goes back to the house of her parents.

If the wife desires a divorce and the husband does not, the wife may go to the house of her parents to live. If she remains there more than fifteen days without returning to her husband's house she is automatically divorced and is entitled to a paper to that effect from the clerk. This procedure is not as easy as it sounds, however, since the woman's parents may object to the divorce and send her back again by force.

The husband may send envoys, usually his father and brothers, to the house of his wife's parents to slaughter a goat and prepare a meal there, which action serves as a magical compulsion upon the owner of the house to accede to their wishes. The ultimate decision as to whether or not the wife remains all of the fifteen days depends upon the attitude of her parents, the strength of her husband's desire to get her back, and the relative importance of the two *seins* involved. If the wife is from a different *bone* from that of the husband serious hostilities may result.

A husband seldom divorces a wife against her will except for infidelity, but he may divorce her for lesser offenses if he desires or dares. He may if he wishes divorce her for failure to bear him children, though in this case he usually marries a second wife and keeps the first one as well.

A woman who wishes to be divorced and cannot, on account of the opposition of her family and of her husband, may run away from the tribe with her lover, if she has one; or alone, if she has not and is sufficiently courageous. Women who have run away on account of unfortunate marriages or as a consequence of being caught in adultery sometimes go to Fez and become prostitutes. So much trouble can be caused a man by a wife whom he has married against her will that few men are willing to undertake the liability of doing so.

583 The foundation of the nuclear family is through marriage,
584 which in the Rif is a "contract of buying and selling"[27], for, as the result of an amount (i.e. of money) stipulated by her father, a woman becomes her husband's absolute property[28]. A petition is made by the father or legal representatives of the woman; he, or
583 they, fix the bride-price (ssdhāq) and the manner of payment. This
584 contract, until very recent times, was unwritten[29], and the fact
212 that the jma'ath knew of the agreement was sufficient (to make it binding). Even today (1935), most old men do not have paper (i.e.
583 documents--r-knwaghadh, sing. r-kinghadh.)[30] By virtue of this
584 contract, a woman, who is never her own mistress, changes owners
562 and becomes the property of her husband, who uses and abuses her as
593 such, always for his own benefit, either improving her lot or
586 abandoning her[31].

583 Of all the acts which must be performed prior to marriage, none is as important as (payment of) the bride-price; and the day that the boy's father and the girl's father are together in the latter's house, accounts are settled and the former hands the bride-price over to the latter. From this sum, the bride's father buys his daughter's trousseau, with an advance on account from the groom; the latter's representatives, some friends and a fqih are also in attendance. Part of the bride-price is given to the father (immediately) so that he can buy clothing for his daughter; the rest of this clothing is bought by the groom; and the remainder of the bride-price is paid in money[32].

586 [587] a) Suspension of Marriage:--If through the absence of her husband, the bride goes home and is reintegrated with her family, the husband then cedes all rights and obligations with the exception of property; but the wife cannot remarry unless she has her husband's consent.[33]

b) Dissolution of Marriage:--This may come about only through death or divorce, the latter being an act which only a man can initiate, and a woman cannot.

462 c) Division of Labor:--Women care for children, keep house, prepare food (grind grain, fetch water, wood and fodder for the animals), wash clothes, and cook. They help reap the cereal harvest (in mid-summer) and carry the straw from the threshing floor to the house. At plowing time (in autumn), they sometimes carry the seed[34] and do the weeding (in early spring). They also bake the bread and care for the oven (located just outside the house). Men's affairs may be subsumed under the headings of war, agriculture, religion, and buying-and-selling; house-building, hunting, fishing[35], cutting trees and brushwood for charcoal, woodwork, reedwork, ironwork[36], wickerwork, work in palmetto and esparto, weaving, sewing[37], and burial rites and attendance at funerals.

562 d) Relations between the Sexes:--Men represent, direct, protect and administer. Women advise, help and obey. Men's work is free, external and primary, women's work subordinate, internal and secondary. Men administer their possessions as they wish, while women can neither alienate nor obtain anything[38]. Men have freedom of movement while women (theoretically) cannot receive visits from

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593 The mother has the right to punish her children, but cannot wound them.

[562] Sons enjoy a preferential situation within the family; they help their father in agricultural tasks and in defense of the hearth and patrimony. They watch over the women of the house. Those of age
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[785] (i.e. who have reached puberty)[46] start to fast during the month of Ramadan, as well as starting to plow and harvest the crops, after they have become too old to pasture goats. On reaching puberty, also, sons may spend nights away from home or be absent for periods of time.
[584] They do not own property. If a son should reject the matrimonial proposition (put to him by his father) he must look for the bride-price (himself), telling his father of this obligation. He may leave his home without having to renounce his inheritance. After marriage,
885
593 although living in his father's house, he builds a bread-oven in
[591] order to separate his meals from those of his father. He is then a contributor (apart from his father, who generally hands land over to him to work, but who is not obliged to give him his share of the
[594] inheritance.) He pays his fines, and contributes his turn to the fqih's barley allotment, and forms a separate nubth on his own.
883 On reaching puberty, he attends the mosque and goes to markets and
885 weddings; when he marries, he begins to take part in the council
623 meetings to defend his rights; he enters a liff[47]; and sometimes he
616
794 becomes a member of a religious brotherhood[48].
575 Sons and daughters are their father's property. A divorced
593 wife, even though nursing a child, cannot take it with her; and there
586 have been cases in which her own father has returned her children to her husband.

684 As to adultery, in Kabylia and the Rif, the offending woman is killed,
171 while the Braber of the Middle Atlas and the Bedouins of Mauritania take care of the matter with a fine.

I recall hearing of young Rifian women "martyrized", roasted over a fire, whipped, enchained, hung from the main beams of their
562 houses, or with a pick stuck in their heads[65]. Women do not inherit
428 in Kabylia, nor even in the Rif, in practice; if they do, it is in
171 lesser proportion, and only in movable property. Among the Aith Ndhir of the Middle Atlas, on the other hand, a woman and her daughters can be inherited, and even Muslim law has not done much (1935) to modify this fact in that tribe.

562 Women are divorced whenever their husbands want to divorce
586 them, and they are even put in the position of being neither single
582 nor married, i.e. a general or conditional prohibition of marriage.
[171] A woman's husband must give her authorization to marry again, even though he is separated from her; this happens often in Kabylia and
562 is not rare in the Rif. Custom gives women the right of <u>insurrection</u>
586 (Blanco's italics) or refuge in their fathers' homes or in a <u>zawiya</u>
708 (residence of a virtuous or holy personage, and invariably associated
623 with a saint's tomb); and it gives their husbands the right to complain
[171] to the <u>jma'th</u>, a right which women cannot exercise themselves in Kabylia and which they can in the Rif and among the Berbers of the Middle and Central Atlases, although, however, they must make such complaints at a respectful distance from the council meeting or rather through crying them out. This is always preferable to registration
627 of complaints through a Kabyle intermediary or a Muslin <u>ukil</u> (legal
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584 pick out a prospective husband and let it be known among her
circle of girl friends that she likes him. Within the community
[521] such information is conveyed through gossip so that it becomes
knowledge among the women in both the girl's and boy's family.
If the boy is interested he may ask his mother or grandmother
to urge the male members of his family to talk to the girl's
father. Such procedure occurs only among the poor, who are,
however, the majority.

584 Men have more say about their prospective spouse because
562 of the fear of divorce. Since the male has the option of initi-
• 586 ating divorce proceedings, it is thought unwise to force a son
into a marriage that he strenuously opposes, since all the advan-
tages that accrue from the match are terminated at its rupture.

584 Westermarck (1914:50-51) notes that among the Beni Wariyghar if
[782] a man wishes to marry a girl and his father opposes the match,
[571] the son can sacrifice a sheep outside the parental home, placing
an obligatory duty ('ar) on the father. He remarks that the
Riffians do not regard this as a good method for obtaining a
wife. I encountered no case of this occurring. I do know of
[593] instances in which the son has married against the father's will
[464] and has been kicked off the land. In such cases the men work as
[427] akhammas or migrate abroad in search of wage labor. In such cir-
cumstances shame is thought to fall on both parties.

584 Aside from the preferences of the couple, it is supposed
581 that a certain amount of advantage stems from marrying a relative
582 which is counterbalanced by disadvantages. My informants agreed